

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**IN RE:  
KALYN RAE CENTER**

) **CASE NO: 19-46803**  
) **Chapter 13**  
)  
) **Response Due: 05/14/2024**  
) **Hearing: 05/21/2024 10:00 am**  
) **Location: St. Louis, Room 7 North**  
**Debtor**

**NOTICE OF HEARING AND TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO  
TURN OVER TAX RETURNS**

**PLEASE TAKE NOTICE:** The Motion herein is scheduled for hearing at the date and time shown above.

**WARNING: THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY May 14, 2024. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. THE DATE IS SET OUT ABOVE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.**

**COMES NOW** Diana S. Daugherty, Standing Chapter 13 Trustee in Bankruptcy, and for her Motion to Dismiss states as follows:

1. KALYN RAE CENTER is a debtor under a Chapter 13 bankruptcy petition filed on October 29, 2019.
2. Debtor has an ongoing duty to cooperate with the Trustee. 11 USC § 521(a)(3)
3. The Trustee or the Court can request from Debtor a copy of each tax return required under applicable law with respect to each tax year ending while the bankruptcy case is pending. 11 USC § 521(f)(1)
4. The Court published a Public Notice on September 12, 2014, regarding the requirement to provide to the Chapter 13 Trustee copies of all federal and state income tax returns within 14 days of filing the returns.
5. The revised Chapter 13 Plan directing Debtor to provide copies of all Federal and State income tax returns within 14 days of filing the returns became effective October 1, 2014.

6. The Trustee's office posted the tax return requirement on its website, and started sending notices with regular mailings in November of 2014 informing Debtor of the tax return requirement.
7. The Trustee has made several demands for copies of Debtor's 2022 Federal and State income tax returns pursuant to 11 USC § 521(f) and the Court's directive.
8. As of the date of this motion, the Trustee has not received a copy of the 2022 Federal and State income tax returns.
9. The Court may dismiss Debtor's case "for cause." 11 USC § 1307(c)

**WHEREFORE** the Trustee prays the Court enter its order dismissing this Chapter 13 case for failure to turn over required returns.

Dated: March 19, 2024

MTDTAXRTN--BG

/s/ Diana S. Daugherty

Diana S. Daugherty  
Standing Chapter 13 Trustee  
P.O. Box 430908  
St. Louis, MO 63143  
(314) 781-8100 Fax: (314) 781-8881  
trust33@ch13stl.com

### CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on March 19, 2024, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I certify that a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to those parties listed on the Court's Manual Notice List and listed below on March 19, 2024.

KALYN RAE CENTER  
206 MERVIN ST  
SULLIVAN, MO 63080

/s/ Diana S. Daugherty

Diana S. Daugherty, Chapter 13 Trustee